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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,504	03/20/2007	Hughes Fanielle	OT-5270	3553

7590  
Lisa A. Bongiovi  
Otis Elevator Company  
10 Farm Springs  
Farmington, CT 06032

EXAMINER
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PICO, ERIC E

ART UNIT	PAPER NUMBER
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3654

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,504	<b>Applicant(s)</b> FANIELLE ET AL.	
	<b>Examiner</b> ERIC PICO	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/27/2006</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fastening brackets claimed in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 21. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. **Claim 9** is objected to because of the following informalities: the phrase "being attached at the an opposing end" contains improper grammar. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim(s) 9** is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. **Regarding claim 9**, it is unclear and indefinite what “the latter” encompasses.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claim(s) 1 and 4-8** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Asaeda et al. JP Publication No. 2000-034072.
9. **Regarding claim 1**, Asaeda et al. discloses a method for mounting a car drive machine to a structure in a hoistway, the method comprising:
  10. positioning the drive machine 5 on a support 9 on a top of an elevator car 7;
  11. lifting the elevator car 7 until the drive machine 5 is slightly above the structure 6;
  12. moving the support 9 with the drive machine 5 so as to position the machine 5 immediately above a fixing position;
  13. lowering the elevator car 7 so as to place and fix the drive machine 5 on the structure 6; and
  14. moving the support 9 so as to free the support 9 from the drive machine 5.

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15. **Regarding claim 4**, Asaeda et al. discloses wherein the support 9 is fixed to a rigid element of the elevator car 7.
16. **Regarding claim 5**, Asaeda et al. discloses wherein the lifting of the elevator car 7 is performed by an auxiliary lifting device 11, the auxiliary lifting device is a man-lift winching gear connected between the elevator car 7 and a hoistway ceiling, shown in Figures 7 and 8.
17. **Regarding claim 6**, Asaeda et al. discloses fixing the drive machine 5 directly to a rail 3 by means of fastening brackets.
18. **Regarding claim 7**, Asaeda et al. discloses fixing the drive machine 5 onto a support frame 6 fixed to a top of a rails 3.
19. **Regarding claim 8**, Asaeda et al. discloses securing the drive machine to the support frame 6.

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. **Claim(s) 3 and 11** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Asaeda et al. JP Publication No. 2000-034072 in view of Wittek U.S. Patent No. 3357582.

22. **Regarding claim 3**, Asaeda et al. discloses wherein the support 9 is a table or frame provided with a plate.

23. Asaeda et al. is silent concerning the plate being mounted sliding transversally on the table or frame.

24. Wittek teaches a plate 14 being mounted sliding transversally on a table or frame.

25. It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the plate disclosed by Asaeda et al. sliding transversally on the table or frame as taught by Wittek to facilitate the handling of the drive machine.

26. **Regarding claim 11**, Asaeda et al. discloses an arrangement for installing a drive machine in an elevator hoistway, the arrangement comprising:

27. a machine-installation table 9, the machine-installation table 9 including a plate.

28. Asaeda et al. is silent concerning a cross piece mounted on a top of an elevator car, the cross piece constituting a rigid support element; a machine-installation table mounted on the cross piece, the machine-installation table including a plate mounted so as to slide transversally on the table.

29. Wittek teaches an arrangement comprising:

30. a cross piece 8 mounted, the cross piece 8 constituting a rigid support element;

31. a table mounted on the cross piece 8, the table including a plate 14 mounted so as to slide transversally on the table.

32. It would have been obvious to one of ordinary skill in the art at the time of the invention to mount a cross piece as taught by Wittek on a top of an elevator car

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disclosed by Asaeda et al. and include a plate as taught by Wittek on a machine-installation table disclosed by Asaeda et al. so as to slide transversally on the table to facilitate the lifting handling of the drive machine.

33. **Claim(s) 9** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Asaeda et al. JP Publication No. 2000-034072 in view of Wittek U.S. Patent No. 3357582 as applied to claim 3 above, and further in view of Strbuncelj et al. U.S. Publication No. 2002/0100902.

34. **Regarding claim 9**, Asaeda et al. discloses wherein the drive machine is of longitudinal shape, the drive machine being positioned on the plate, the movement of the plate being effected over a given length.

35. Asaeda et al. is silent concerning the drive machine made up of a median cylindrical pulley block, a motor being attached to the pulley at one end and a brake being attached at an opposing end, the drive machine being positioned on the plate via the pulley block placed on the plate, a motor and brake fastening feet laterally projecting with a small amount of play beyond an edge of the plate and a rear edge of the pulley block resting against a rear stop fold so that the drive machine is prepositioned on the latter, the movement of the plate being effected over a given length.

36. Strbuncelj et al. teaches a drive machine 101 is of longitudinal shape and is made up of a median cylindrical pulley block 120, a motor 110 being attached to the pulley 120 at one end and a brake 114 being attached at an opposing end, a motor and brake fastening feet 142, 144 laterally projecting with a small amount of play beyond a rear edge of the pulley block.



37. It would have been obvious to one of ordinary skill in the art at the time of the invention to position the drive machine via the pulley block as taught by Strbuncelj et al. on the plate disclosed by Asaeda et al. to facilitate the lifting and positioning of the drive machine on the plate.

38. It would have been obvious to one of ordinary skill in the art at the time of the invention to position the drive machine on the plate via the pulley block placed on the plate, project a motor and brake fastening feet laterally with a small amount of play beyond an edge of the plate and a rear edge of the pulley block resting against a rear stop fold because these steps would result from the use of the device disclosed by Asaeda et al. in view of Strbuncelj et al. in its normal and expected fashion.

### ***Conclusion***

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morris U.S. Patent No. 3298462, Westlake et al. U.S. Patent No. 3851736, Klein U.S. Patent No. 5230404, Lovgren U.S. Patent No. 5795123, Pettersson et al. U.S. Patent No. 6138797, Pettersson et al. U.S. Patent No. 6357556, Miller et al. U.S. Patent No. 6857508, Van Der Meijden et al. U.S. Publication No. 2005/0150728, Jungbauer et al. U.S. Publication No. 2007/0181381.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654